In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 11074 of 2006

Date of Decision: 27.4.2007

Gurinder Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice L.N. Mittal

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Gurminder Singh, Addl. AG, Punjab
for the respondents.

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J.S. Khehar, J. (Oral).

The petitioner was appointed as a Horticulture Development Officer with the respondents in 2001. In 2005, he was posted at Mansa. The petitioner's mother addressed a representation dated 3.4.2006 to the respondents, wherein she made a request for the transfer of her son to Kotkapura, on the grounds of her own illness, as well as, on account of the handicap of the petitioner. The aforesaid request of the petitioner's mother was acceded to by the respondents, when the Financial Commissioner and Chief Secretary to the Government of Punjab, by an order dated 3.4.2006, transferred the petitioner to Kotkapura.

The Deputy Director, Horticulture, by a communication dated

2.5.2006, directed the petitioner to take charge of the post of Horticulture Development Officer at Kotkapura and to report the said matter to him. The petitioner is stated to have assumed the duties at Kotkapura, in terms of the directions issued by the respondents vide order dated 3.4.2006, and vide letter dated 2.5.2006.

The transfer of the petitioner ordered on 3.4.2006, was sought to be cancelled within about 3 weeks of the petitioner assuming his duties at Kotkapura, by an order dated 26/27.5.2006 (Annexure P-6). It is this order, which is subject matter of challenge at the hands of the petitioner through the instant writ petition.

During the course of hearing, we had noticed a number of serious complications in the posting of the petitioner at Kotkapura, one of them being, that the petitioner had not handed over complete charge of the post of Horticulture Development Officer at Mansa. During the course of hearing today, learned counsel for the respondents on having received instructions from Mr. Narinderpal Singh, Sr. Assistant, office of the Director, Horticulture, Punjab, states that the petitioner has relinquished complete charge of the post of Horticulture Development Officer at Mansa, on 11.4.2007. This sets at rest one of the problems of the petitioner's transfer at Kotkapura.

During the course of hearing, we asked the representative of the department, who had come to attend the proceedings of this case, whether a substitute to the petitioner, had been appointed as Horticulture Development Officer, either at Mansa or at Kotkapura. We are informed, that a successor to the petitioner has been appointed as Horticulture Development Officer at Mansa. In the aforesaid view of the matter, no question, therefore, arises for

reversion of the petitioner back from Kotkapura to Mansa.

In view of the above, we hereby allow this petition, by setting aside the impugned transfer order dated 26/27.5.2006 (Annexure P-6). The interim order passed on 24.7.2006 is, therefore, made absolute.

Allowed in the aforesaid terms.

(J.S. Khehar)
Judge.

(L.N. Mittal)
Judge.

27.04.2007
sk.